IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

OP.No. 33290 of 2002(K)
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PETITIONER:
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P.G.MANI, S/O. GOPALAN, AGED 52 YEARS,
POTTEKKAT HOUSE, PLAKKAT LANE, THRISSUR.

BY ADV. SRI.RENJITH THAMPAN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

2. THE ASST.EXCISE COMMISSIONER, PALAKKAD.

3. THE DEPUTY TAHSILDAR (RR), THRISSUR.

4. THE EXCISE COMMISSIONER, THIRUVANANTHAPURAM.

BY ADV. SMT.SMITHA SUKUMAR, GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO. 33290/2002

ORDER ON CMP NO. 56290/2002 IN O.P.NO. 33290/2002

DISMISSED.

28/11/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

**APPENDIX**

PETITIONER'S EXHIBITS

P1 : COPY OF THE DEMAND NOTICE DATED 18/09/2001 RECEIVED BY THE PETITIONER.

P2 : COPY OF THE REPLY SUBMITTED BY THE PETITIONER ON 27/10/2001.

P3 : COPY OF THE ORDER OF 2ND RESPONDENT.

P4 : COPY OF THE ORDER IN CMP NO. 28783/01 IN O.P.NO. 17883/01.

P4A : COPY OF CERTIFICATE OF ASST. EXCISE COMMISSIONER, PALAKKAD DATED 30/03/1998.

P5 : COPY OF THE G.O. INTRODUCING R.6(25A) ON 02/08/2000, WHICH IS EXTENDED BY G.I. DATED 30/09/2000.

P5A : COPY OF LETTER DATED 04/03/99 OF THE TAHSILDAR (RR.), THRISSUR.

P6 : COPY OF DEMAND NOTICE DATED 06/01/02 ISSUED BY THE ASST. EXCISE COMMISSIONER, PALAKKAD.

// TRUE COPY //

PA TO JUDGE.

jg

**C.N.RAMACHANDRAN NAIR, J.**

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**O.P. No. 33290 of 2002**

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**Dated, this the 28th day of November, 2007**

**J U D G M E N T**

Since learned Government Pleader submitted that SLP is filed against the judgment in writ appeal No.1027/2005, the demand of interest on additional tax / transport fee, @ Re.1/- per litre, for interstate transport of toddy is quashed on condition that if SLP is allowed by the Supreme Court, the respondents are free to recover the amount from the petitioner based on the judgment of the Supreme Court in the pending case, without filing another SLP / appeal in this matter.

This writ petition is disposed of as above.

**(C.N.RAMACHANDRAN NAIR, JUDGE.)**

jg